

REMARKS

The examiner summarized a previous telephone interview where it was indicated that the claims would be amended to state a monitoring station, which had been done. The examiner had no further objections to this issue. However, the examiner continued to object to applicant's continued argument relating to the term "broadcast".

The examiner disagreed with applicant's comments concerning Ginter's failure to describe a public broadcast and the type of broadcast that applicant is currently claiming and the presence of the monitoring station receiving such public broadcast by monitoring the broadcast being sent, rather than the broadcast being received by receivers or users.

The examiner cited various passages of Ginter as supporting the examiner's position.

Thereafter, the examiner again repeated the same rejections previously made in rejecting claims 1-7 and 9-11 under 35 U.S.C. 103(a) as being unpatentable over Ginter in view of Wiser. The examiner essentially relied on Ginter as showing all of the claimed features with Wiser providing the payment and reporting the tracking system in place of the VDE system of Ginter.

Applicant herein submits a declaration by Professor Nasir Memon, a well known expert in the field of multimedia digital rights management and related fields. Professor Memon had carefully reviewed the entire Ginter reference and specifically each and everyone of the passages identified by the examiner, both in the present rejection dated June 9, 2006, as well as passages previously cited by the examiner from Ginter, as well as Wiser. After having reviewed all of these specific references, as well as the overall Ginter reference, as well as the Wiser reference, Professor Memon concludes that neither Ginter nor Wiser discuss a public broadcast of the type being claimed by the present invention. Professor Memon points out that while Ginter mentions

and allows broadcast of information, he is essentially involving the monitoring of the consumption of a broadcast at the user end. Applying Ginter's teaching to the problem addressed by the present invention, would require having a user agent with every single user that receives the broadcast content and reports back to the server. Quite the contrary, the present invention elegantly solves this problem by simply monitoring the broadcast itself and charging the sender based on content broadcast. Therefore, only one monitoring station is needed per broadcast domain as opposed to one per user as taught by Ginter.

By way of example, Professor Memon points out that in the present invention, as long as the broadcast is publicly sent out, even if there is not a single user who actually receives it, the monitoring station would monitor it as being a broadcast. Quite the contrary, in Ginter, and for Wisner as well, unless there is an actual user who has requested information and actually received the information, there would be no monitoring and no accountability for any sending of the information.

Professor Memon has pointed out different locations in Ginter which supports his views.

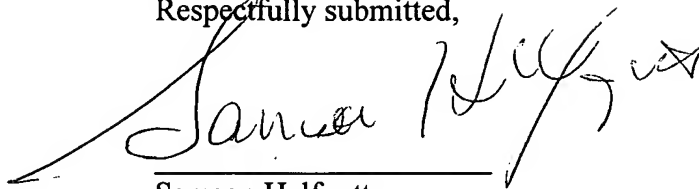
Furthermore, Professor Memon has gone through the present specification and points out specifically where there is adequate support for the claimed invention.

In view of the attached declaration and the arguments presented herein, it is believed that the present invention is clearly patentable over the cited references to Ginter and Wisner, taken alone or in combination.

It is respectfully requested that the examiner reconsidered his rejection in light of the declaration and the present arguments.

Any fee due with the paper may be charged to Deposit Account 50-1290.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Samson Helfgott", with a long horizontal stroke extending to the left and a checkmark-like flourish at the end.

Samson Helfgott
Reg. No. 23,072

CUSTOMER NUMBER 026304

Telephone No. (212) 940-8683

Fax: (212) 940-8986/8987

Docket No. 3247/NJJ (058201-00050)

SH/ms